

Remarks

Claims 38-60 were pending in this application, and by entry of the above amendments, claims 38, 40 and 60 have been cancelled, claims 39, 41, 43-44, 50, 52-54, and 58-59 have been amended, and claims 61-66 are new claims. In addition, as a result of the amendments, claims 39, 41-59, and 61-66 are presented for reconsideration with claims 39, 41, 43, 44, 53, 54, and 58 being the independent claims. These changes are believed not to introduce new matter and their entry is respectfully requested.

A. Rejection under 35 U.S.C. §103(a)

The Examiner rejected claims 38, 40, 50-52, 59 and 60 under 35 U.S.C. §103(a) as being unpatentable over Cook (U.S. Patent No. 5,409,214) in view of Fujii (U.S. Patent No. 4,213,607).

In response, Applicant has cancelled claims 38, 40 and 60, thereby rendering the Examiner's rejection of these claims moot. Regarding claims 50-52 and 59, these claims have been amended to depend from either claim 53 or 58 which the Examiner has objected to but will allow if it they are rewritten in independent format. Applicant has amended claims 53 and 58 to be in independent format, and as such, Applicant respectfully contends are allowable independent claims. Thus, because claims 50-52 and 59 depend directly or indirectly from allowable claims 53 and 58, they also are allowable.

It is well established in the patent law “that allowance of a parent or base claim as patentable normally results in allowance of a claim dependent upon that claim.” See DONALD S. CHISUM, CHISUM ON PATENTS § 7.04[2]; *U.S. v. Telectronics, Inc.*, 658 F. Supp. 579, 591, 3 USPQ2d 1571, 1580 (D. Colo. 1987), *aff’d in part and rev’d in part*, 857 F.2d 778, 8 USPQ2d 1217 (Fed. Cir. 1988), *cert. denied*, 109 S. Ct. 1954 (1989)(“Since it would not have been obvious to have made the invention defined in claim 1, ... it would not have been obvious to make the inventions defined in dependent claims 3, 4 and 5.”) ; *In re Fine*, 837 F.2d 1071, 1076, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988)(“Dependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious.”). Therefore, Applicant respectfully submits that claims 50-52 and 59, like allowable claims 53 and 58 from which they depend, are in proper condition for allowance. Withdrawal of the rejection of these claims is respectfully requested.

B. Objected to claims

The Examiner has objected to claims 39, 41-49 and 53-58 as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response thereto, Applicant has amended claims 39, 41, 43, 44, 53, 54 and 58 to be independent claims, wherein claims 42, 45-49 and 55-58 depend either directly or indirectly from these new independent claims. Accordingly, Applicant respectfully contends that he has rendered the Examiner’s objection moot, thereby placing claims 39, 41-49, and

53-58 in proper condition for allowance.

C. *Additional Claims*

Applicant has added new claims 61-66; however, each of these new claims depend directly or indirectly from either independent claim 53 or 58, which as discussed above, Applicant believes are now in proper condition for allowance. Accordingly, Applicant respectfully contends that new dependent claims 61-66 also are in proper condition for allowance. *See In re Fine*, 837 F.2d 1071, 1076, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988)(“Dependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious.”).

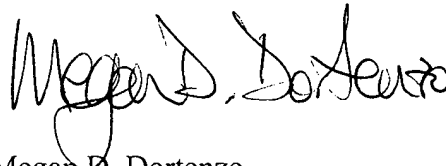
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response and Amendment is respectfully requested.

Respectfully submitted,

STEPTOE & JOHNSON PLLC

A handwritten signature in black ink, appearing to read "Megan D. Dortenzo". The signature is fluid and cursive, with the first name "Megan" being the most prominent part.

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